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November 13, 2001

Ms. Gloria Blue
Executive Secretary
TPSC
Office of the United States Trade Representative.
600 17th Street, N.W.
Washington, D.C. 20508

Re: Inv. No. TA-201-73 (Certain Steel Products)

Dear Madam Secretary:

Enclosed please find the exclusion requests regarding **certain welded other than OCTG** submitted on behalf of the European Steel Tube Association ("ESTA") and on behalf of a member company of ESTA's German Member Association, Mannesmann Präzisrohr GmbH of Germany (MHP) in the above-referenced investigation. These requests are filed pursuant to the United States Trade Representative's October 26, 2001 Notice in the Federal Register (66 Fed. Reg. 54321).

Please do not hesitate to contact us if you have any questions regarding this submission

Respectfully submitted,
BARNES, RICHARDSON & COLBURN

By:



Gunter von Conrad
Counsel to the
ESTA and MHP

**BEFORE THE
TRADE POLICY STAFF COMMITTEE
OFFICE OF THE
UNITED STATES TRADE REPRESENTATIVE
EXECUTIVE OFFICE OF THE PRESIDENT**

In the Matter of Review of the Determination of)
the U.S. International Trade Commission in)
Investigation of)
Certain Steel Products)

Investigation No. TA-201-73

**EXCLUSION REQUESTS
of the
EUROPEAN STEEL TUBE ASSOCIATION
(CERTAIN SPECIALTY TUBE PRODUCTS OF
MHP MANNESMANN PRÄZISROHR GMBH)**

I. INTRODUCTION

These Exclusion Requests in the above-entitled investigation are filed pursuant to leave granted by the Office of the United States Trade Representative ("USTR") set forth in the Federal Register, Vol. 66. No. 208 of October 26, 2001, on behalf of the European Steel Tube Association ("ESTA") and on behalf of a member company of ESTA's German Member Association, Mannesmann Präzisrohr GmbH of Germany (MHP), in support of the exclusion of "tubing for automotive fuel pumps" and "welded cold drawn profile tubing, specialty shaped profile tubes for PTO drive-shafts" from any remedy on welded tubular products other than OCTG.. Exclusion of such products is warranted by the statute and the WTO Safeguards Agreement.

II BASIS FOR EXCLUSION REQUESTS

A. Exclusions Are Warranted Under the Statute and WTO Agreement

In imposing any remedy, the Administration is limited by section 2253(e)¹ to actions in which the “cumulative impact of such action does not exceed the amount necessary to prevent or remedy the serious injury.”² These limitations are reflective of the WTO Agreement on Safeguards which explicitly provides that a member may “apply safeguard measures only to the extent necessary to prevent or remedy serious injury and to facilitate adjustment.”³ Therefore, any remedy must be crafted to the absolute minimum amount of relief necessary to prevent injury or to facilitate positive adjustment.

Furthermore, in determining what action to take, the President is required to take into account the short- and long-term economic and social costs of the actions...relative to their short- and long-term economic and social benefits....⁴ The President must also consider the "effect of the implementation of actions under this section on consumers and on competition in domestic markets for articles."⁵

¹ 19 U.S.C. §2252(e)(3).

² 19 U.S.C. § 2253(e)(2).

³ Agreement on Safeguards, Article 4(1).

⁴ 19 U.S.C. §2253(a)(1)(E).

⁵ 19 U.S.C. §2253(2)(F)(ii).

B. The Exclusion of MHP Products is Required

Welded Tubing for Automotive Fuel Pumps: See attached specification. Cold drawn - DOM - tubing type 5, including delivery conditions according to ASTM A-513-97, steel grade MT 1010 with special conditions/requirements and surface conditions. Dimensions according to customer specifications. This product is classified under HTSUS 7306.30.50.15.

To MHP's knowledge, "welded tubing for automotive fuel pumps" is not produced in the United States or at best is made in limited quantities. MHP is unaware of any substitute products available from domestic producers.. The product requires special machinery and expertise to produce the very close tolerances required by the automotive industry. Furthermore, this product is a necessary article for the manufacture of automotive fuel pumps and has no applications outside that use; there should be therefore no concerns about product shifting should this exclusion be granted.

Welded Cold Drawn Profile Tubing: See attached specification. Description and technical conditions for cold drawn profiles according to DIN 2393-C, 09,94. This product is classified under HTSUS numbers 7304.31.60.50, 7306.60.10.00, 7306.60.50.00, and 7306.60.30.00.

With regard to "welded cold drawn profile tubing", the product is not made in the United States and there are no substitute products available from domestic producers. The product requires special machinery and expertise to produce, including special draw benches and drawing tools (star profiles) with closest tolerances and highest straightness. Furthermore, the product is a necessary article for the manufacture of PTO drive-shafts and has no applications outside that use.

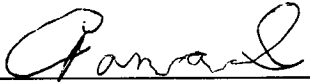
To MHP's knowledge, each of these products represents a small share of U.S. consumption of the general product category and a small volume of total imports. As an individual company, MHP has no knowledge about total U.S. consumption of the products.

Any safeguard relief which included such products, would be excessive and would cause substantial economic harm to U.S. purchasers, consumers, and workers without providing any benefit to domestic producers. MHP's customers depend on the unrestricted availability of this tube. In making its exclusion determinations, the Administration needs to consider not only the state of the domestic industry, but also the effect of any remedy on the U.S. customers or pipe and tube products.

SECTION III CONCLUSION

In light of the unavailability of certain profile tubing, and the limited availability, if any of automotive fuel pump tubing the exclusion of these items is requested.

Respectfully submitted,
BARNES RICHARDSON & COLBURN

By: _____

Barnes, Richardson & Colburn
Gunter von Conrad
Matthew T. McGrath
Robert A. Shapiro
Michael J Chessler
Stephen W. Brophy

Washington, D.C.
November 13, 2001

Counsel to ESTA and
MHP Mannesmann Präzisrohr

ATTACHMENT A

GESAMT SEITE 10

ST N RA J B 00000 00000 D 00000 000 TXNR T 017A1028
 ZEILE1.....2.....3.....4.....5.....6.....7...
 00001F COLD DRAWN (DOM) TUBING (TYPE 5), ASTM A 513-97, MT 1010,
 00002F NORMALIZED AT 930 DEGREE C +/- 30 DEGREE C, ENDS PLAIN, UNMACHINED,
 00003F WORK'S CERTIFICATE 2.2 ACC. TO EN 10204:1991 + A1:1995,
 00004F INTERNALLY AND EXTERNALLY WITH TEMPORARY RUST PROTECTION GROUP 0,
 00005F EXTERNAL SURFACE ACC. TO DIN 2393-2, 09.94, POINT 0,
 00006F SURFACE:
 00007F ID: DEFECTS OF WHATEVER TYPE ARE TO BE MAXIMUM 20 MY OR .0008"
 00008F OD: DRAW MARKS GREATER THAN 20 MY OR .0008" ARE NOT ACCEPTABLE,
 00009F SCRATCHES ORIGINATING FROM HANDLING AND SLIGHT CIRCULAR IMPRESSIONS
 00010F ARE TO BE MAX. 50 MY OR .002" AS PER DRAWING F-27001 PARA.4
 00011F EDDY-CURRENT TESTED ACC. TO PRP 02/74,
 00012F US-TEST ACC. TO SEP 1915/09.94,
 00013F IN LENGTHS OF 4.000 - 5.000 MM
 00014F PACKED IN SEAWORTHY BOXES, BUNDLED,

FCODE AZ ZEILE - - ANZAHL - SPALTE - -

SI _ PF: 3=Back

11-12126

See above:

Specification for fuel pumps (cold drawn -DOM- tubing type 5) including delivery conditions acc. to ASTM A 513-97, steel grade MT 1010 with special conditions / requirements and surface conditions

Dimensions for our customer Greystone: 38 mm x 33,52 mm and 57,15 mm x 47,625 mm (outside x inside diameter). Other sizes for fuel pumps are based on different end user designs.

10 NELLE 110530
 (EAL - 011201401)

ST N RA J B 00000 00000 D 00000 000 TXNR T 018DD0F7
 ZEILE1.....2.....3.....4.....5.....6.....7..
 00001F STEEL TUBE PROFILES ACC. TO DRAWING, ELECTRICALLY WELDED,
 00002F DIN 2393-C, 09.94,
 00003F PROVISION OF DELIVERY AND TESTING 000, SHEET 1 - 13,
 00004F INDEX "J", 25.09.1996, ST 52-3, MICRO-ALLOYED,
 00005F UNANNEALED, ENDS PLAIN, UNMACHINED,
 00006F WORK'S CERTIFICATE 2.2 ACC. TO EN 10204:1991 + A1:1995,
 00007F INTERNALLY AND EXTERNALLY LIGHTLY OILED (GROUP 0),
 00008F IN RANDOM LENGTHS OF 6 - 7 M,
 00009F OVER THE ENTIRE BUNDLE LENGTH LINED WITH PLASTIC FABRIC,
 00010F FRONT FACES ALSO COVERED, IN BUNDLES OF 20 PIECES,
 00011F TOLERANCE IN QUANTITY + 10/- 10 %
 00012F
 00013F DRAWING NO. 75.45 INDEX H DTD. 13.08.96
 00014F .

FCODE AZ ZEILE _ - _ ANZAHL _ SPALTE _ - _

SI _ PF: 3=Back

11-12126

See above:

Description and technical conditions for cold drawn profiles acc. to DIN 2393-C, 09.94

Attached: 2 drawings of our customer GKN Walterscheidt Inc, Burr Ridge, IL with delivery and testing instructions.

Liefer- und Prüf-
vorschrift
Delivery and testing
Instructions

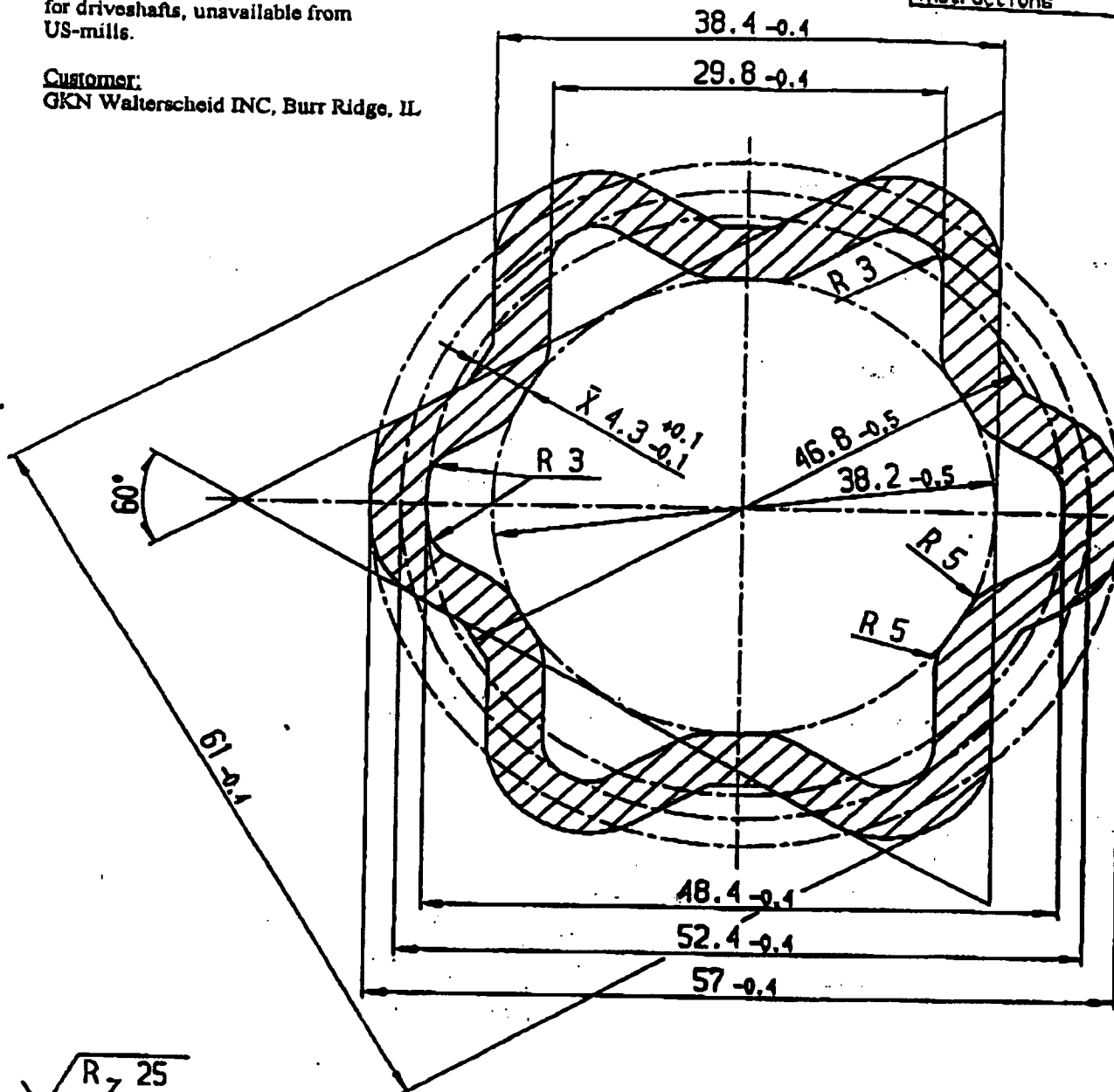
01

Profile tubing
Speciality shaped profile tubes
for driveshafts, unavailable from
US-mills.

Customer:
GKN Walterscheid INC, Burr Ridge, IL

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and, without our consent, not be reproduced, made available to third party
and not be referred to, in whole or in part, for the purpose of manufactur-
ing. Infringement acts forth grounds for compensation for damage.

5. Sep. 90



CAD - Zeichnung

Verteiler:
Routing List.Freispartelanz:
General tolerance.Maßstab:
Scale:Formel:
Formel:Dimensionen in mm
Dimensions in mmVerstärk.
Material:

R St 52-3 BK
mikrolegiert
microalloyed

Halbzeug-Nr.:
Blank-No.:

Benennung:
Designation:

Profil S5
Profile

Zeichnungs-Nr.:
Drawing-No.:

75.45

Klassifizierungs-Nr.:
Classification-No.:

Teil-Nr.:
Part-No.:

044255

Änderung:
Change:

0196 88

27.06.88

Boelter

X

Ursprung / Origin:

Ersatz für/Replacement for:

Ersetzt durch / Replaced by:

75.45 vom 15.05.72

1014255

75.45

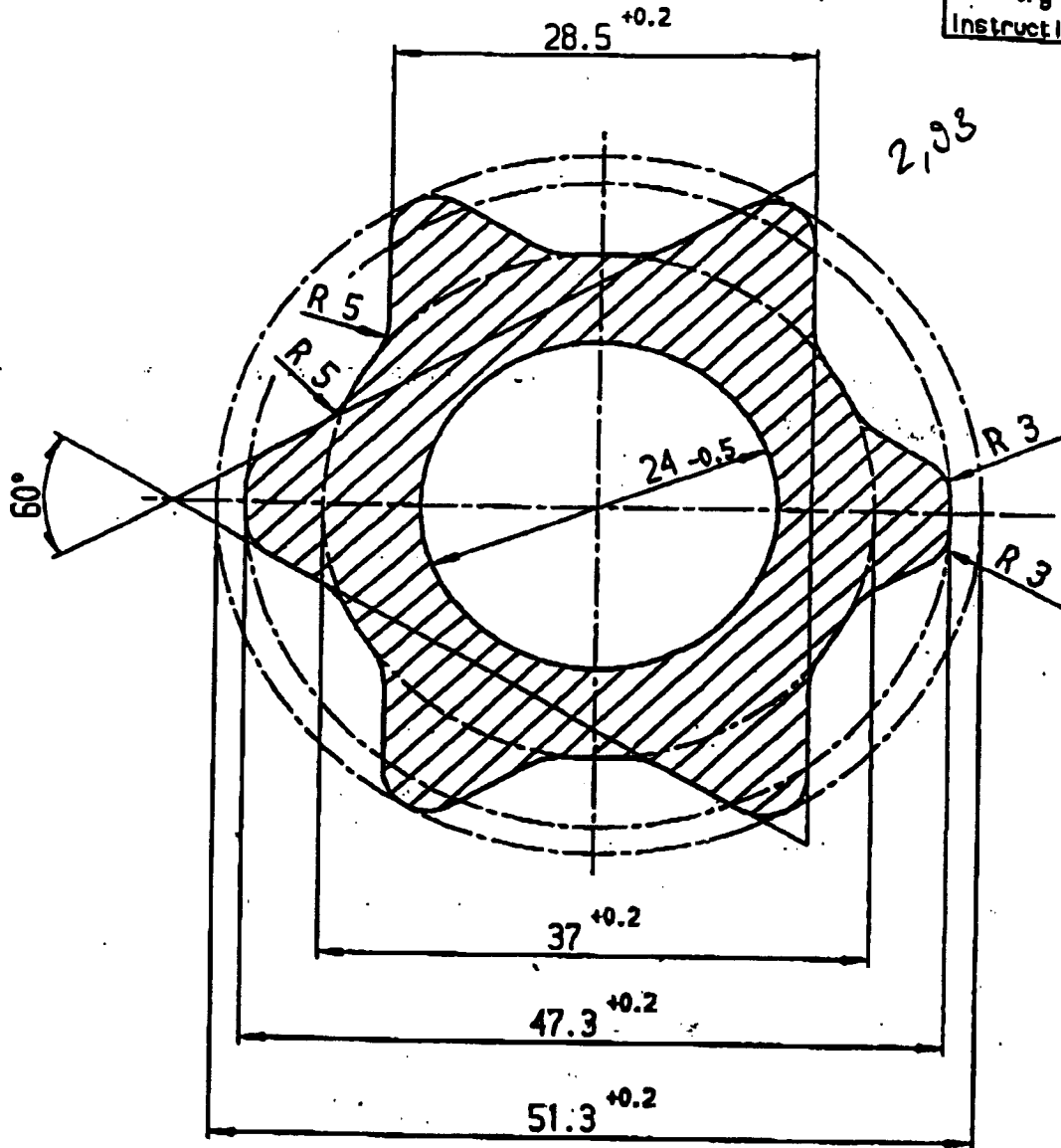
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nutzt werden. Zuwiderhandlungen werden strafrechtlich verfolgt.

WALTERSCHEID

Lohmar/Rheinland
West Germany

This drawing is our property. It may only be used for the intended purpose and, without our consent, not be reproduced, made available to third parties and not be referred to in whole or in part, for the purpose of manufacturing any subsequent parts without our consent for compensation for above.

5 Sep. 90



① Liefer- und Prüf-
vorschrift
Delivery and testing
Instructions

01

CAD - Zeichnung

Verteiler:
Routing List.Freispartoleranz:
General tolerances.Maßstab:
Scale:
2:1Format:
Format:
A4Dimensionen in mm
Dimensions in mm

Werkstoff:
Material:
① C 60 BK
680 - 850 N/mm²

Zeichnungs-Nr.:
Blank-No.:

Bezeichnung:
Designation:

Profil S4
Profile

Zeichnungs-Nr.:
Drawing-No.:
75.44

Klassifizierungs-Nr.:
Classification-No.:

Teil-Nr.:
Part-No.:

044126

Ursprung / Origin:

Ersatz für/Replaces for:
75.44 vom 14.07.72

Ersetzt durch / Replaced by:

10 1126

15:44

Bitte Zeichnung ist unser Eigentum. Sie darf nur zu dem angegebenen Zweck und ohne unsere Zustimmung nicht vervielfältigt, nicht Dritten zugänglich gemacht und nicht zu Zwecken der Fertigung verwendet werden. Zweifelsfällen zugunsten des Herstellers.

Buchst. Letter	Änderungs-Nr. Change-No.	Datum Date	Name Name	File
①	0865 77	17.11.77	Heinz	X
②	0019 76	12.01.76	Holla	X

Gezeichnet Drawn	Datum Date	Name Name
Geprüft Checked		
Freigegeben Approved		
WALTERSCHEID Lohmar/Rheinland West Germany		